

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charis Jones	Team: Squad #7	CCRB Case #: 201902014	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 02/16/2019 11:02 AM	Location of Incident: Vanderbilt Street and Prospect Expressway	Precinct: 72	18 Mo. SOL 8/16/2020	EO SOL 4/2/2021	
Date/Time CV Reported Tue, 02/26/2019 8:12 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/06/2019 1:03 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Marc Starromand	23063	937927	HWY 02
2. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POM Marc Starromand	Abuse: Police Officer Marc Starromand drew his gun.	
B.POM Marc Starromand	Force: Police Officer Marc Starromand pointed his gun at § 87(2)(b)	
C.POM Marc Starromand	Force: Police Officer Marc Starromand pointed his gun at § 87(2)(b)	
D.POM Marc Starromand	Force: Police Officer Marc Starromand pointed his gun at § 87(2)(b)	
E. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	
F.POM Marc Starromand	Abuse: Police Officer Marc Starromand threatened to damage § 87(2)(b)'s property.	

Case Summary

On February 26, 2019, § 87(2)(b) called IAB and filed this complaint, generating original log # 2019-7678. The CCRB received the log on March 6, 2019.

On February 16, 2019, at approximately 10:16 a.m., Police Officer Marc Starromand of Highway 02 (“HWY 02”), followed § 87(2)(b) as he traveled Westbound on the Prospect Expressway in Brooklyn. § 87(2)(b) exited the highway and stopped at the corner of Vanderbilt Street and the Prospect Expressway. PO Starromand exited his vehicle with his gun drawn (**Allegation A: Abuse of Authority**, § 87(2)(g)). PO Starromand then pointed his gun at § 87(2)(b) and § 87(2)(b) (**Allegation B, C, and D: Force**, § 87(2)(g)). Approximately four minutes later, an officer arrived at the location and said, “Either you are going to open the door and you are going to cooperate and come out or we are going to forcibly remove you from the vehicle” (**Allegation E: Abuse of Authority**, § 87(2)(g)). PO Starromand then said, “Open that door or I am about to break your window” (**Allegation F: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was arrested.

The investigation obtained video footage from the dashcam of PO Starromand’s vehicle that captures this incident. (Board Review 01)

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Marc Starromand drew his gun.

Allegation (B) Force: Police Officer Marc Starromand pointed his gun at § 87(2)(b)

Allegation (C) Force: Police Officer Marc Starromand pointed his gun at § 87(2)(b)

Allegation (D) Force: Police Officer Marc Starromand pointed his gun at § 87(2)(b)

Allegation (E) Abuse of Authority: An Officer threatened § 87(2)(b) with the use of force.

Allegation (F) Abuse of Authority: Police Officer Marc Starromand threatened to damage § 87(2)(b) s property

§ 87(2)(b) (Board Review 02) was driving on the Prospect Expressway to his son’s soccer game with his sons, § 87(2)(b) who was § 87(2)(b) old and § 87(2)(b) who was § 87(2)(b) old. § 87(2)(b) took Exit 2 towards the Brooklyn Queens Expressway and stopped at a red light at the intersection. PO Starromand parked behind § 87(2)(b) and immediately exited his vehicle with his gun drawn. This was the first time § 87(2)(b) observed PO Starromand. PO Starromand instructed the cars parallel to § 87(2)(b) not to move and he stood in the middle of the street approximately 20 feet in front of him. PO Starromand then pointed his gun at § 87(2)(b). PO Starromand then approached § 87(2)(b) s vehicle on the driver’s side and § 87(2)(b) rolled down his window half way. PO Starromand ordered § 87(2)(b) to open his door and § 87(2)(b) told PO Starromand that he needed to put his gun away first because it was scaring his children. PO Starromand attempted to open § 87(2)(b) s door from the outside and then reached through the window and tried to open it from the inside as well. PO Starromand told § 87(2)(b) that if he did not exit the vehicle, he would be forced to break down the window. § 87(2)(b) told PO Starromand that he was not going to get out of the car because his gun was still displayed and he wanted other officers present. PO Starromand asked § 87(2)(b) why he was attempting to run away and § 87(2)(b) called 911. The 911 operator told § 87(2)(b) that he could not file a complaint because an officer was already present. § 87(2)(b) hung up the phone

and exited the vehicle. Approximately 20 minutes later four officers from the 72nd Precinct arrived and § 87(2)(b) was arrested.

§ 87(2)(b) (Board Review 03) and § 87(2)(b) (Board review 04) observed PO Starromand point his gun in their direction. § 87(2)(b) stated that PO Starromand's gun was pointed at them for approximately three minutes and § 87(2)(b) stated that the gun was pointed at them for approximately ten minutes. § 87(2)(b) asked the officer to put his gun away because his children were in the car. § 87(2)(b) stated that PO Starromand told § 87(2)(b) that he was speeding and trying to run away from him.

According to § 87(2)(b)'s arrest report (Board Review 10), PO Starromand first observed § 87(2)(b) traveling at a speed estimated to be over 80-mph in a 45-mph zone. After proceeding after the vehicle, PO Starromand further observed § 87(2)(b) come within less than one car length behind uninvolved vehicles prior to changing lanes. § 87(2)(b) committed numerous lane changes without indicating turning signals and he refused to pull over for law enforcement by disregarding lights and sirens. § 87(2)(b) was charged with one count of fleeing an officer in a motor vehicle in the third degree, one count of reckless driving, one count of following a vehicle too close, one count of failing to signal, and one count of speeding over the limit.

PO Starromand's dash cam footage and throat microphone (Board Review 01) captured the entire incident. PO Starromand was in pursuit of § 87(2)(b)'s vehicle for approximately one minute and twenty-four seconds. § 87(2)(b)'s vehicle cannot be seen at that time because he was ahead in traffic, travelling at a high rate of speed. Once § 87(2)(b) gets off the highway, his vehicle can be seen passing another vehicle directly in front of him. Once § 87(2)(b) came to a complete stop at a stop light, PO Starromand exited his vehicle with his gun drawn and walked around the cars parallel to § 87(2)(b)'s vehicle until he was in front of it, approximately 20 feet away. PO Starromand ordered § 87(2)(b) to exit his vehicle and he did not. PO Starromand then pointed his gun at § 87(2)(b)'s vehicle (01:40-01:55). Approximately four minutes later, an officer arrived to assist PO Starromand. PO Starromand and the officer collectively ordered § 87(2)(b) to open his car door approximately ten times. At the 07:29 mark an officer said, "Either you are going to open the door and you are going to cooperate and come out or we are going to forcibly remove you from the vehicle." At the 07:51 mark PO Starromand said, "Open that door or I am about to break your window. Open that door." § 87(2)(b) exited the vehicle at the 08:18 mark. PO Starromand holstered his gun as soon as § 87(2)(b) exited the vehicle.

NYPD Patrol Guide Section 221-01 states the decision of officers to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present (Board Review 05).

NYPD Patrol Guide Section 221-01 states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise to protect life, or when it is reasonable to place a person in custody or to prevent escape from custody.

§ 87(2)(g)

§ 87(2)(g) [Redacted]

§ 87(2)(g) [Redacted]

Civilian and Officer Histories

- This is the first complaint to which § 87(2)(b) [Redacted] has been party (Board Review 06).
- This is the first complaint to which § 87(2)(b) [Redacted] has been party (Board Review 07)
- This is the first complaint to which § 87(2)(b) [Redacted] has been party (Board Review 08)
- PO Starromand has been a member-of-service for 13 years and has been a subject in seven CCRB complaints and 13 allegations, none of which have been substantiated, none of which were substantiated. § 87(2)(g) [Redacted]

Mediation, Civil, and Criminal Histories

- This case was not suitable for mediation.
- A notice of claim has been sent to the New York City Office of Comptroller and will be added to the case file upon receipt.
- According to the Office of Court Administration (OCA) § 87(2)(b) [Redacted] has no history of convictions in New York City. (Board Review 09)

Squad No.: 7

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer:

Signature

Print Title & Name

Date